IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1466 of 2001

with

SPECIAL CIVIL APPLICATION No 1582 of 2001

Hon'ble MR.JUSTICE J.N.BHATT

and

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BABUBHAI RAMSANGBHAI

Versus

STATE OF GUJARAT

Appearance:

MR MD VAKIL for Petitioners

MR AY KOGJE, AGP for Respondents No. 1-2,4

MR HS MUNSHAW for Respondent No. 3

CORAM : MR.JUSTICE J.N.BHATT

and

MR.JUSTICE Y.B.BHATT

Date of decision: 04/12/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

1. The petitioners are the land owners whose agricultural lands had been taken by the respondent authorities for public purpose long before, and yet the respondent authorities have not commenced the prescribed statutory acquisition proceedings. The reasons for the delay which are highlighted in the affidavit in reply are not only unacceptable, but unreasonable. In one of the petitions (i.e. SCA 1582/2001) the possession of the lands had been taken way back in the year 1972. The petitioner made frantic and ceaseless efforts by making various representations, unsuccessfully, because of which they are constrained to knock the doors of justice by invoking the aids of the extraordinary constitutional writ remedy provided under Article 226 of the Constitution of India. This is nothing but a great tragic, unreasonable, unjust and inequitable action on the part of the authorities who are integral part of a State which is avowedly from the top of the roof proclaimed to have wedded to welfare state. It has, really, not only surprised us, but shocked our conscience. Be that as it may, at this stage, in view of the facts which are not in controversy, and the directions issued upon consensus in a virtually similar and identical matter (i.e. SCA 517/2001 decided on 28.11.2001), both these petitions are covered and therefore without going into minute and meticulous factual profile, it would suffice to issue following directions. In earlier petition learned Assistant Government Pleader Mr. AY Kogje, under instructions from the officer who was present in the Court, had stated that the proceedings for acquisition and compensation shall be finalised as early as possible. He has reiterated the same statement in the course of hearing of these two petitions.

2. In view of the facts and circumstances obtainable from the record of the present case, and in view of the fact that possession has already been taken over by respondent authorities of the lands in anticipation of the acquisition proceedings in one such matter as early as in 1972, and the also assurance of learned AGP Mr AY Kogje under instructions of the officers, that the commencement and conclusion for acquisition shall be completed within a period of one year, the following directions are issued:

[A] The respondent authorities are directed to initiate or commence the acquisition proceedings in respect of the lands of the petitioners in both the petitions immediately, and conclude the same with resultant payment of requisite statutory compensation in terms of the market value of the lands that may be found due and payable as per the award under section 11 of the Act, on or before end of September 2002 from today.

[B] The above time frame prescribed by this Court shall be scrupulously and strictly adhered to, and any deficiency or any failure on the part of the respondent authorities will invite proceedings for contempt.

3. In view of the aforesaid directions and assurance by the learned AGP that in view of delay in commencement of statutory proceedings for acquisition, we do not deem it expedient to pass any other and further orders at this stage. Rule is made absolute accordingly with no order as to costs.

4. Copy of this order shall be supplied by the office to the learned AGP for immediate follow up action.

5. Direct service is permitted.

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